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For Dividing and Inclosing the Common Fields, and other Commonable Lands and Grounds, in the Parishes of *Lilley* and *Offley*, in the County of *Hertford*, except a certain Sheep Down, commonly called *Lilley Hoo*, in the said Parish of *Lilley*; and certain Lands, Part of the said common Fields, lying South-East of *West-Lane End*, the *Mill-House* and *Cold's-Crofts*, and North-East of the Town of *Offley*.

Pref

Whereas there are within the Parishes of *Lilley* and *Offley*, in the County of *Hertford*, several common Fields, and other commonable Lands and Grounds :

Preamble.

And whereas the Master, Fellows and Scholars of Saint *John's* College in the University of *Cambridge*, are Patrons of the Rectory of *Lilley* afore-
said, and Sir *Thomas Salusbury*, Knight, is Patron of the Vicarage of
Offley afore-
said, and the Reverend *John Morris*, Clerk, is Rector of
the Parish of *Lilley* afore-
said, and the Reverend *Thelwall Salusbury*,
Clerk, is Vicar of the Vicarage of *Offley* afore-
said, who together
A with

with Sir Benjamin Rawling, Knight, Fitz Williams Barrington, Esquire, William Shepherd, Henry Weston, Gentlemen, and others, are the Owners and Proprietors of, or otherwise interested in the said Fields, Lands and Grounds:

And whereas it would be for the Benefit and Advantage of all Persons interested in the said Fields, Lands and Grounds, if the same were divided and inclosed, and specifick Parts thereof were allotted to the several Persons interested, in proportion to their respective Rights and Interests therein; **But** as such Division and Inclosure cannot be effected without the Aid of Parliament;

May it therefore please Your MAJESTY,

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Commission-
ers.

That it may be **Enacted**; and be it **Enacted**, by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the Reverend Thomas Whitehurst, of Hitchin, in the County of Hertford, Clerk; William Freeman, of North-Kilworth, in the County of Leicester, and John Willis, of Offley Hoo, in the said County of Hertford, Gentlemen, and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby appointed Commissioners for setting out, dividing and allotting all the common Fields, and all other the commonable Lands and Grounds within the said Parishes of Lilley and Offley, (save and except a certain Sheep Down, commonly called Lilley Hoo, in the said Parish of Lilley, and certain Lands, Part of the said common Fields, lying South-East of West-Lane End, the Mill-House and Cold's-Cross, and North-East of the Town of Offley, which are not intended to be inclosed by virtue of this Act) and for putting this Act in Execution, subject to the Rules, Orders and Directions herein contained.

Commission-
ers to take an
Oath.

And be it further Enacted, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act, unless it be the Power hereby given of administering Oaths, and of giving the First Notice of the Meeting of the Commissioners, until he shall have taken and subscribed the following Oath, or an Oath to the Effect following:

3

I A. B. do swear that I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, hear and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of An Act for dividing and inclosing the common Fields,

Fields, and other commonable Lands and Grounds, in the Parishes of *Lilley* and *Offley*, in the County of *Hertford*, except a certain Sheep Down, commonly called *Lilley Hoo*, in the said Parish of *Lilley*, and certain Lands, Part of the said common Fields, lying South-East of *West-Lane End*, the *Mill-House* and *Cold's-Cross*, and North-East of the Town of *Offley*, *without Favour or Affection to any Person whatsoever*.

Which Oath it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners; and the said Oath so taken and subscribed by each Commissioner, shall be inrolled in the same place and at the same Time as the Award or Instrument made by the said Commissioners is in and by this Act directed to be inrolled.

4 **And be it further Enacted**, That the said Commissioners, or any Two of them, shall, as soon as conveniently may be after the passing of this Act, make or cause to be made a Quality, and also a true and distinct Survey of all the said Fields, and commonable Lands and Grounds hereby intended to be divided and inclosed, and such Quality, and also such Survey shall be reduced into Writing, and the Number of Acres, Roods and Perches contained in such Survey belonging to each Proprietor, shall be therein specified and described, and the said Quality and Survey if made by Order of the said Commissioners, or any Two of them, shall be laid before the said Commissioners, or any Two of them, at One of their Meetings to be held in pursuance of this Act, to be by them kept for the Purposes of this Act, and the said Quality and Survey, if made by Order of the said Commissioners, or any Two of them, shall be verified upon the Oath or Oaths of the Person or Persons making the same, if thereunto required by the said Commissioners, or any Two of them, which Oath the said Commissioners, or any Two of them, are hereby impowered to administer.

Survey and
Admeasure-
ment to be
made.

5 **And be it further Enacted**, That the said Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby authorized and required, as soon as conveniently may be after the said Quality and Survey shall have been made by the said Commissioners, or any Two of them, or by their Order, and shall have been laid before them; in the first Place to set out and appoint the publick and private Highways in the manner herein after-directed, in the next Place shall set out and appoint in One Plot of Ground such Quantity of the Lands and Grounds hereby intended to be divided and inclosed, and lying within the said Parish of *Lilley*, as in the Judgment of the said Commissioners, or any Two

Allotments:

of them; shall be a full Equivalent and Satisfaction for the Claim or Right the Cottagers and others within the said Parish of *Lilley* make or have to depasture their Cows at certain Times of the Year in and upon the said common Fields and other commonable Lands and Grounds in the said Parish of *Lilley*, which Plot of Ground so set out and appointed, shall for ever thereafter be held and enjoyed in common by the several Persons claiming or having such Right of Common as aforesaid, and in full Satisfaction and Discharge thereof; in the next Place shall assign, set out, allot and appoint unto and for the said *John Morris* and his Successors, Rectors of the said Rectory, in One or more Plot or Plots, such Parcel of the Lands and Grounds hereby intended to be divided and inclosed, and lying within the said Parish of *Lilley*, as in the Judgment of the said Commissioners, or any Two of them, shall, Quantity, Quality and Situation considered, be a full Equivalent and Compensation for the Glebe-Lands now belonging to the said *John Morris* and his Successors, Rectors of the said Rectory of *Lilley*, which Parcel of Land and Ground shall for ever thereafter be and the same is hereby vested in and shall be accepted and taken as such by the said *John Morris* and his Successors, Rectors as aforesaid; in the next Place shall assign, set out, allot and appoint unto and for the said *Thelwall Salusbury*, and his Successors, Vicars of the said Vicarage of *Offley*, in One Plot, such Parcel of the Lands and Grounds hereby intended to be divided and inclosed, and lying within the said Parish of *Offley*, as in the Judgment of the said Commissioners, or any Two of them, shall, Quantity, Quality and Situation considered, be a full Equivalent and Compensation for the small Tythes now belonging to the said *Thelwall Salusbury* and his Successors, Vicars of the said Vicarage of *Offley*, and due and payable only for and upon account of the Lands and Grounds hereby intended to be divided and inclosed, and lying within the said Parish of *Offley*, which Parcel of Land and Ground shall for ever thereafter be, and the same is hereby vested in, and shall be accepted and taken by the said *Thelwall Salusbury*, and his Successors, Vicars of *Offley* aforesaid, in lieu and full Compensation of and for all such small Tythes as aforesaid; in the next Place shall set out and allot such Parcel or Parcels of the said Fields, Lands and Grounds within the said respective Parishes, as they shall think necessary, not exceeding Three Acres in each respective Parish, for the getting of Materials for repairing the Highways and Roads within the said respective Parishes, and for other necessary Uses of the Inhabitants of the said respective Parishes, and the Herbage thereof shall be and is hereby vested in the Surveyors of the Highways of the said respective Parishes for the Time being, and the same shall be from time to time let for the best Price that can be got for the same, and the Money arising thereby shall be applied and accounted for in the same manner as Money raised for the Repair

Land allotted
for getting
Materials for
repairing the
Roads.

pair of the Highways within the said respective Parishes is by Law directed to be applied and accounted for; and shall then assign, set out, allot and appoint the then Residue of the Lands and Grounds hereby intended to be divided and inclosed, unto and amongst the several Persons who at the Time of making such Divisions and Allotments shall be interested therein, in proportion to their respective Rights and Interests in the said common Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, having a due Regard to the Quality as well as Quantity of the Lands and Grounds of the several Parties, and of the Lands and Grounds to and for whom the same shall be assigned and allotted, and all the Allotments to be set out by virtue of this Act shall be set out as near as conveniently may be to the Messuages or Dwellings, or other Estates of the Proprietors thereof.

Provided always, and be it further Enacted, That all Tythes, both great and small, and all Dues, Duties and Payments whatsoever, now due and payable to the said *John Morris* and his Successors, as Rectors of *Lilley* aforesaid, shall continue to be due and payable to him and them, in as full and extensive a manner as before the passing of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Rector of
Lilley to take
Tythes as
heretofore.

And whereas the great Tythes arising, renewing, increasing or happening out of or from Part of the Lands and Grounds hereby intended to be divided and inclosed, lying within the said Parish of *Offley*, belong to and are the Property of the several Owners and Proprietors of such Lands and Grounds, and the great Tythes arising, renewing, increasing or happening out of or from the rest of the Lands hereby intended to be divided and inclosed, lying within the said Parish, belong to and are the Property of several Persons who are not the Owners or Proprietors of such Lands; **Now,** in order that all the Lands lying within the said Parish, and hereby intended to be divided and inclosed, may, for the Conveniency of the several Parties interested, be free from the Payment of great Tythes; **Be it further Enacted,** That the said Commissioners, or any Two of them, shall, and they are hereby required to set out and allot so much of the said Lands now subject to the Payment of great Tythes unto and for the several Persons who shall respectively be intitled to such great Tythes as in the Judgment of the said Commissioners, or any Two of them, shall be a full Equivalent and Satisfaction for such great Tythes, and the several Persons intitled to such great Tythes shall accept such Allotment or Allotments in lieu thereof, and the Remainder of such Lands shall for ever after the making and Execution of the Award or Instrument herein directed to be made, be held and enjoyed by the respective Owners thereof, freed and discharged of and from the Payment of great Tythes.

Allotments to
be made in
lieu of great
Tythes of
Offley.

By whom the
Rector's and
Vicar's Allot-
ment to be
fenced.

And be it further Enacted, That all the Lands and Grounds which shall be set out and allotted unto and for the said *John Morris*, and his Successors, Rectors of *Lilley* aforesaid, shall, within the Space of Nine Calendar Months next after the signing and sealing the Award or Instrument herein after directed to be made, be inclosed and fenced with Ring Fences or outward Boundaries; 10
and in case the same shall be set out in One Plot, then Two Subdivision Fences shall be made therein, and in case the same shall be set out in Two Plots, then One Subdivision Fence shall be made in each of such Plots in such Manner as the said Commissioners, or any Two of them, shall order and direct, by and at the Expence of the several other Proprietors of such of the Lands and Grounds hereby intended to be divided and inclosed, as are situate within the said Parish of *Lilley*, in such Proportions as the said Commissioners, or any Two of them, shall order, direct and appoint; and all the Lands and Grounds which shall be set out and allotted unto and for the said *Thetwall Salusbury*, and his Successors, Vicars of *Offley* aforesaid, shall, within the like Space of Time, be inclosed and fenced by Ring Fences or outward Boundaries, in such Manner as the said Commissioners, or any Two of them, shall order and direct, by and at the Expence of the several other Proprietors of such of the Lands and Grounds hereby intended to be divided and inclosed, as are situate within the said Parish of *Offley*, in such Proportions as the said Commissioners, or any Two of them, shall order, direct and appoint.

Commission-
ers to settle
the Bounds of
the Parishes.

And whereas some Parts of the Lands and Grounds which lye in the Parish of *Lilley*, and some Parts of the Lands and Grounds 11
which lye in the Parish of *Offley*, hereby intended to be divided and inclosed, lye intermixed in such Manner, that the same cannot be set out within the said respective Parishes so as to answer the Intention and Convenience of the Parties interested therein; **Be it therefore further Enacted,** That it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and empowered to assign, set out, allot and appoint, all or any Part or Parts of the said Lands and Grounds so lying intermixed as aforesaid, unto and for any One or more of the said Owners and Proprietors of Lands in the said Parish of *Lilley*, or all or any Part or Parts thereof, unto and for any One or more of the said Owners and Proprietors of Lands in the said Parish of *Offley*, and the said Commissioners, or any Two of them, shall, and they are hereby required to order and direct by their Award a Boundary Fence to be made, which shall distinguish which of the said Lands and Grounds shall belong to the Owners and Proprietors of Lands and Grounds in the said Parish of *Lilley*, and which of them shall belong to the Owners and Proprietors of Lands and Grounds in the Parish of *Offley*, and such Boundary Fence shall for ever thereafter be
and

12 and be deemed to be the Boundary Fence of the said Parishes, and by whom such Fence or any Part or Parts thereof shall be maintained and repaired, and the Lands and Grounds which shall be so assigned, set out, allotted and appointed, unto and for any One or more of the Owners and Proprietors of Lands and Grounds in the said Parish of *Lilley*, shall for ever thereafter be, and be deemed to be within the said Parish of *Lilley*, to all Intents and Purposes whatsoever, and the Lands and Grounds which shall be so assigned, set out, allotted and appointed unto and for any One or more of the Owners and Proprietors of Lands and Grounds in the said Parish of *Offley*, shall for ever thereafter be, and be deemed to be within the said Parish of *Offley*, to all Intents and Purposes whatsoever.

13 **And whereas** some Parts of the Lands and Grounds hereby intended to be divided and inclosed, and some Parts of the said Sheep Down, called *Lilley Hoo*, abut upon each other, and lie intermixed in such Manner that the said common Fields cannot be conveniently inclosed, unless some Parts thereof are set out and allotted as Part of the said Sheep Down, and some Parts of the said Sheep Down are set out and allotted as Part of the said common Fields; **Be it therefore further Enacted**, That it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and impowered in making the Divisions and Allotments in pursuance of this Act, to set out and allot such Part or Parts of the said Sheep Down as they shall think necessary and convenient, as Part of the said common Fields; and to set out and allot such Part or Parts of the said common Fields as they shall think necessary and convenient, as Part of the said Sheep Down, provided that neither the said Sheep Down nor the said common Fields shall be diminished thereby, more than the Circumstances of the Case shall necessarily require.

For dividing the Sheep Down from the common Field.

And whereas great Part of the Lands and Grounds lying within the said Parish of *Offley*, which were formerly open and common Fields, have, by the mutual Consent of the several and respective Owners and Proprietors thereof, been inclosed and held in severalty for several Years past, without being subject to any Right of Common thereon; **Be it therefore further Enacted**, That nothing herein contained shall extend, or be construed to extend to authorize the said Commissioners, or any of them, to exercise any of the Powers of this Act, of or in relation to the said Lands and Grounds, or any of them, which shall have been inclosed and held in severalty by and with such Consent as aforesaid; but all such Lands and Grounds shall continue to be held in severalty by the several Owners and Proprietors thereof, without any Right of Common thereon; and all such mutual Consents and Agreements heretofore made by the said

Former Inclosure of Land in *Offley* by consent, confirmed.

14
said Owners and Proprietors respecting the exchanging and inclosing the said Lands and Grounds, shall be, and the same are hereby confirmed and established, and shall be as valid and effectual as if the said Commissioners had by their Award allotted the said Lands and Grounds to the said Owners and Proprietors respectively, who now hold and enjoy the same.

Commissioners to set out Roads.

15
And be it further Enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby required to set out and appoint such publick Highways through the said Fields, Lands and Grounds hereby intended to be divided and inclosed, as they shall think necessary, with the Affize and Breadth thereof, so as all such publick Highways shall be and remain Sixty Feet broad at the least between the Ditches or Fences (except Bridle or Foot-ways, in case any such shall be set out by the said Commissioners) and such publick Highways shall at all Times for ever thereafter be repaired and kept in repair in such Manner as other publick Highways are by Law directed to be repaired, and that after the setting out and appointing such Highways, it shall not be lawful for any Person or Persons to use any Highways either publick or private over or through the said Fields, Lands and Grounds on Foot, or with Horses, Cattle or Carriages, other than and except such Highways as shall be set out and appointed by the said Commissioners as aforesaid, and all the former Roads and Ways which shall not be so set out and appointed as the Highways through the said intended Inclosures, shall be deemed Part of the Lands to be divided and inclosed, and shall be divided and allotted accordingly as Part of such Lands.

Commissioners to settle Disputes between Parties.

And be it further Enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said intended Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them now have or claim to have in the said Fields, Lands and Grounds so intended to be divided and inclosed, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby required by Examination of Witnesses upon Oath, (which Oath the said Commissioners, or any Two of them, are hereby authorized to administer) and upon other proper and sufficient Enquiry, Evidence and Satisfaction to hear and finally to determine the same, and such Determination shall be binding and conclusive to all Persons whomsoever.

Old Inclosures may be exchanged.

And be it further Enacted, That for the more convenient Situation and Disposition of the several Farms and Lands to the Owners and Occupiers thereof, upon the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners,

16 fioners, or any Two of them, and they are hereby authorized and impowered to assign, allot, set out and appoint any House, Barn or other Building, or any Part or Parcel of antient inclosed Lands or Grounds lying within either of the said Parishes, in lieu of and in Exchange for any House, Barn or other Building, or ancient Inclosures, or for other Lands and Grounds lying in the said common Fields, Lands and Grounds so intended to be divided and inclosed as aforesaid, lying within either of the said Parishes, so as all and every such Exchange and Exchanges be mentioned, specified and declared in the Award or Instrument herein after-mentioned, and so as every such Exchange be made by and with the Consent and Approbation of the several Persons interested therein, testified in Writing under their respective Hands and Seals, and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in Law to all Intents and Purposes whatsoever.

17 **And be it further Enacted,** That the Lands and Grounds which shall be allotted to any of the said Proprietors, and the Lands, Tenements, Hereditaments and old Inclosures which shall be taken in Exchange, in pursuance of this Act, in lieu or in respect of any Lands, Grounds, Tenements, Hereditaments and old Inclosures, now belonging to such Proprietor which are Copyhold, shall, from and for ever after the making of the Award or Instrument herein after-mentioned be deemed to be Copyhold, though the same were before Freehold, and shall be held by and under the same Tenure, Rents, Customs and Services of the Lord of the same Manor as the Copyhold Lands, Grounds, Tenements, Hereditaments and old Inclosures, in lieu or in respect whereof such Allotments or Exchanges shall be made, are now held; and that the Lands, Grounds, Tenements, Hereditaments and old Inclosures, which shall be allotted to any of the said Proprietors, or given in Exchange as aforesaid, in lieu or in respect of any Lands, Grounds, Tenements, Hereditaments and old Inclosures now belonging to such Proprietors which are Freehold, shall, from and after such Award or Instrument shall be made as aforesaid, be deemed to be Freehold, though the same were before Copyhold, and shall be held by and under the same Tenure, Rents, Customs and Services as the Freehold Lands, Grounds, Tenements, Hereditaments and old Inclosures, in lieu or in respect whereof such Allotments or Exchanges shall be made, are now held.

Freehold
Lands taken
in lieu of Co-
pyhold, to be
deemed Co-
pyhold, and
Copyhold
Lands taken
in lieu of
Freehold, to
be deemed
Freehold.

And be it further Enacted, That within the Space of Three Calendar Months after the Division and Allotment of the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, shall be compleated and finished, the said Commissioners, or any Two of them, shall form and draw up, or

Commission-
ers to make
an Award.

cause to be formed and drawn up an Award or Instrument thereof¹⁸
 in Writing, which shall express the Quantity and Contents in Sta-
 tute Measure of the Acres, Roods and Perches contained in the
 said Fields and other commonable Lands and Grounds hereby in-
 tended to be divided and inclosed as aforesaid, and the Quantity
 and Contents of each and every Part and Parcel thereof, assigned
 and allotted to each of the Parties intitled to Lands, Tythes, Com-
 mon-right or other Property within the same, and a Description
 of the Situation, Buttals and Boundaries of such Parcels and Allot-
 ments respectively, and proper Orders and Directions for and
 concerning the laying out of the publick Highways and the
 Breadth thereof, and for and concerning the laying out, making,
 maintaining, cleansing and keeping in Repair the private Ways,
 Fences, Ditches, Drains, Bridges, Gates and Stiles in, upon and
 over the said intended Inclosures; and also all such Orders, Regu-
 lations and Determinations as are in and by this Act mentioned,
 directed or required to be made and established, and such other
 Order and Regulation as shall be necessary or proper conformable
 to the true Tenor of this Act, for the more easy, convenient and
 effectual Execution thereof, and for preventing all Differences and
 Disputes in relation to the Matters herein contained, which said
 Award or Instrument shall be fairly ingrossed or written on Parch-¹⁹
 ment, and shall be signed and sealed by the said Commissioners, or
 any Two of them, and shall, within Four Calendar Months next after
 the same shall be so signed and sealed, be inrolled in One of his
 Majesty's Courts of Record at *Westminster*, or by the Clerk of the
 Peace for the County of *Hertford*, who is hereby required to re-
 ceive and inroll the same, to the end recourse may be had thereto
 by any Person or Persons interested in the said intended Division
 and Inclosure, for the Inspection and Perusal whereof the Sum of
 One Shilling shall be paid and no more, and a true Copy of the
 whole, or of any Part or Parts thereof, whenever and so often as
 the same shall be required, shall be delivered to any Person or Per-
 sons interested in the said intended Division and Inclosure, signed
 by the proper Officer, purporting the same to be a true Copy, (for
 which no more shall be paid than Two-pence a Sheet, each Sheet
 containing One hundred Words, and so in Proportion for any
 less Number of Words) which said Copy, as also the said original
 Award or Instrument, shall be, and each of them shall from time
 to time, and at all Times thereafter, be admitted and allowed in
 all Courts whatsoever as legal Evidence of the same, and the se-
 veral Allotments and Divisions, and all Orders, Directions, Regu-²⁰
 lations and Determinations, so made in and by such Award or In-
 strument, shall be binding and conclusive unto and upon all Persons
 intitled to or claiming any Lands, Tythes, Common-right or other
 Property

Property in the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed.

And be it further Enacted, That the several Lands and Grounds to be assigned, set out, allotted and appointed unto and for the several Persons who by virtue of this Act shall, at the Time of the Execution of such Award or Instrument as aforesaid, be intitled to the same, shall be, and are hereby vested in them respectively, in full Bar of, and in Satisfaction and Compensation for the respective Tythes, Properties and Interests in the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, which he, she or they had before the passing of this Act, or immediately before the said Allotments made, and that from and immediately after the making of the said Divisions and Allotments, and the Execution of the said Award or Instrument of such Tenor or Purport as afore-mentioned, or so soon thereafter as the said Commissioners, or any Two of them, shall in the said Award or Instrument appoint, all Right of Common in and upon the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, shall cease, determine, and be for ever extinguished; and that all and every Lease and Leases at Rack or extended Rent subsisting of all or any Part or Parts of the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, and all other Agreements at Rack or extended Rent, for any Time or Term therein, shall, immediately upon such Divisions and Allotments being made, and such Award or Instrument being executed, or so soon thereafter as the said Commissioners, or any Two of them, shall by their said Award or Instrument appoint, cease, determine and be void, the respective Owners or Proprietors of such Part or Parts of the said Fields and other commonable Lands and Grounds hereby intended to be divided and inclosed, making such Satisfaction to such his, her or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Two of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants on Account thereof, or as an Equivalent for the same.

Allotments vested in Proprietors in lieu of their former Property.

For extinguishing the Right of Common.

Leases at Rack Rent to be void on Lessees receiving Satisfaction.

And be it further Enacted, That all and every Person and Persons intitled to any Allotment or Allotments to be made as aforesaid, shall, and is and are hereby required to accept such Allotment or Allotments within the Space of Three Calendar Months next after the Execution of the said Award or Instrument, and Notice given in the respective Parishes of *Lilley* and *Offley* aforesaid, on a Sunday immediately after Divine Service; and also Notice in Writing affixed on the Doors of the said Churches for that Purpose, signed by the said Commissioners, or any Two of them, which Notice

Allotments to be accepted within a certain Time.

the

the said Commissioners, or any Two of them, are hereby required to cause to be so given, and every Person who shall neglect or refuse to accept any such Allotment or Allotments within the Time before-mentioned, shall be totally excluded from having or receiving any Estate, Interest, Tythes or Right of Common whatsoever, in, to or upon any of the Lands and Grounds allotted to any other Person or Persons by virtue of this Act.

Guardians,
&c. to accept
for Persons
incapable.

Provided always, That the Guardians, Husbands, Trustees, Committees or Attornies of any Person or Persons being Minors, or otherwise incapable by Law to accept any such Allotment or Allotments, shall be, and are hereby required to accept thereof, for the Use of such Person or Persons; and also that any Person or Persons, intituled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively enabled to take and accept of such Allotment or Allotments; and every such Acceptance respectively shall be and is hereby declared to be valid and effectual; any Thing herein contained to the contrary notwithstanding.

But their not
accepting
shall not pre-
judice their
Claim.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee or Committee, shall not exclude or prejudice the Claim or Acceptance of any Minor or other Person under any Incapacity as aforesaid, who shall claim or accept within Twelve Calendar Months after such Incapacity shall be removed, or of any Person or Persons intituled as Heir or in Remainder, after the Death of any Person dying under such Incapacity, who shall claim or accept within Twelve Calendar Months after his, her or their Right or Interest shall have accrued, or be known to have accrued.

For fencing
the Allot-
ments.

And be it further Enacted, That all the Hedges, Ditches, Gates, Stiles and Fences to be made for the inclosing, separating and dividing the several Allotments which shall be made in pursuance of this Act, to the Person or Persons intituled thereto, shall, within the Space of Twelve Calendar Months next after the signing and sealing of the said Award or Instrument, or within any less Time, to be appointed by the said Commissioners, or any Two of them, be made, and at all Times thereafter for ever repaired and maintained by and at the Expence of such Person or Persons, and in such Proportions and Manner as the said Commissioners, or any Two of them, shall by their Award or Instrument direct or appoint (except the said *John Morris* and the said *Thelwall Salusbury*, whose Allotments are to be fenced in manner herein before mentioned and directed) and that for the better preserving their young Hedges, it shall and may be lawful to and for the respective Persons to whom any Share or Allotment shall be assigned or allotted by virtue of this Act,

Power to set
Posts and
Rails on the
Outside of the
Allotments.

Act, from time to time, and at all Times during the Term of Ten Years next after the Execution of the said Award or Instrument as aforesaid, to set down and place Posts and Rails, or any other Fence, on the Outside of the Ditches bounding their respective Allotments, not exceeding Four Feet from such Ditches, and at any Time, before the End of the said Term, to remove, take and carry away such Posts and Rails or other Fences, and convert the same to their respective Uses.

And be it further Enacted, That if any Person or Persons (except the said *John Morris* and the said *Thelwall Salusbury*) shall refuse or neglect, within Twelve Calendar Months next after the signing and sealing the said Award or Instrument, or within any less Time to be appointed by the said Commissioners, or any Two of them, to inclose and fence the several Parcels of Land and Ground set out and allotted to him, her or them respectively as aforesaid, or to be set out and allotted to the said *John Morris* and to the said *Thelwall Salusbury*, in such manner as the said Commissioners, or any Two of them, shall in such their Award order and appoint, it shall and may be lawful to and for the Person or Persons interested in the Lands and Grounds next adjoining to the Lands and Grounds allotted to the Person or Persons so refusing or neglecting to exhibit a Complaint in Writing against such Person or Persons before One or more of his Majesty's Justices of the Peace for the said County of *Hertford*, not being interested in the Lands and Grounds so to be inclosed and fenced as aforesaid, who may summon the Parties concerned, examine into the Nature of the Complaint, and examine all proper Witnesses on Oath, and after such Summons and Examinations, shall and may, if he or they shall see Cause, order, direct and appoint, the Person or Persons exhibiting such Complaint to make, repair and maintain the Ditches and Fences of the Person or Persons so neglecting or refusing; and also shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to the Person or Persons exhibiting such Complaint, cause the Charges and Expences of the making, repairing and maintaining the Ditches and Fences of the Person and Persons so refusing or neglecting, Demand being first made thereof before One or more credible Witness or Witnesses, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and selling the same, (or otherwise shall and may by any Writing under his or their Hand and Seal, or Hands and Seals, authorize and empower the Person or Persons exhibiting such Complaint to enter into and upon the Premises so to

What is to be done in case Persons refuse to fence their Allotments.

be allotted to such Person or Persons refusing or neglecting to pay as
aforesaid, and to take and receive the Rents and Profits thereof re-
spectively, until thereby or therewith the Charges and Expences of
making, repairing and maintaining the Ditches and Fences of the
Person or Persons so refusing or neglecting to pay as aforesaid, and
also all Costs, Charges and Expences occasioned by or attending such
Entry upon and Perception of the Rents and Profits of the same
Premises shall respectively be fully paid and satisfied.

Convenient
Openings to
be left.

Provided always, That convenient Openings shall be left in the 27
said Fences and Inclosures for the Space of Six Calendar Months
next ensuing the Execution of the said Award or Instrument, for
the Passage of Cattle, Carts and Carriages through the same, unless
the several Parties interested therein shall agree that the same shall be
sooner made up and inclosed.

Former Pro-
prietors may
enter Allot-
ments, and
cut down
Trees, &c.

And be it further enacted, That in case any Lands or Grounds
upon which any Trees, Underwoods, Hedges, Bushes or Shrubs at
the Time of making such Allotments shall be standing, growing or
being, shall be allotted or assigned to any Person or Persons, other
than such as was or were the Proprietor or Proprietors thereof at and
immediately before such Allotments were made, then and in such
case it shall and may be lawful to and for such Owners and Proprie-
tors thereof respectively, at any seasonable Time or Times within the
Space of Nine Calendar Months after such Allotment shall be
made, to enter into and upon the Lands and Grounds upon which
such Trees, Underwoods, Hedges, Bushes or Shrubs shall be stand-
ing and being, and to stock up or fell and cut down, and with
Horses, Carts and Carriages to take and carry away the same, at his
and their Will and Pleasure, and to and for his and their respective
Use and Benefit.

unless ap-
pointed for a
Boundary
Fence.

Provided always, That if any such Hedges now standing upon 28
the Premises shall be assigned or appointed by the said Commissioners,
or any Two of them, as and for a Boundary or Fence for any of the
Allotments to be made as aforesaid, all such Hedges shall be left for
the Benefit of the Person or Persons to whom such new Inclosures
shall belong by virtue of this Act, he, she or they making such Al-
lowance or Consideration to the former Owners and Proprietors of
such Hedges respectively, and at such Time or Times as the said
Commissioners, or any Two of them, shall in that Behalf order
and appoint.

And whereas several of the Owners and Proprietors of Lands
and Grounds lying the said Fields, and other commonable Lands and
Grounds hereby intended to be divided and inclosed as aforesaid,
his,

his, her or their Trustee or Trustees, Committee or Committees, Guardian or Guardians, may have occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to and attending the obtaining and passing of this Act, and such Division and Inclosure, and the necessary Subdivisions of the said Allotments, and cannot by reason of some Settlement or Settlements already made of the Grounds, Lands and Premises, or some Part thereof, or some other Impediments, Incapacity or Incumbrances respectively affecting the same, make an effectual Security thereof for the Money wanted to be raised and borrowed for the Purposes aforesaid; **Be it therefore further Enacted**, That it shall and may be lawful to and for the Husbands, Guardians, Trustees or Committees of any of the said Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, and to and for every of them for the Time being, and to and for all Persons acting as Guardians, Trustees or Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, and to and for every of them for the Time being, and to and for any of the said Owners and Proprietors being Tenants in Tail or for Life only, and to and for every of them respectively for the Time being (except the said *John Morris* and the said *Thelwall Salusbury*) by and with the Consent and Approbation of the said Commissioners, or any Two of them, testified in Writing under their Hands and Seals, from time to time to charge the Lands and Grounds which shall be assigned and allotted to them the said Owners and Proprietors respectively, by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Forty Shillings an Acre for the Purposes before-mentioned, and for the securing the Repayment of such Sum and Sums of Money with Interest, to grant, mortgage, lease or demise, or otherwise subject the Lands and Grounds so to be assigned and allotted unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in such Grant or Demise which shall be made by any Person or Persons interested in or intitled unto any such mortgaged Premises for the Term of their natural Lives only, or by his, her or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured during his, her or their respective Life or Lives, in such manner that no Person afterwards becoming possessed of such Lands and Grounds, shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the

Proprietors
may borrow
Money to in-
close.

Title

Grants, Mortgages, &c. to be valid, notwithstanding the want of Title in Guardians, &c.

Title to such Possession shall accrue and commence, and every such Grant, Mortgage, Lease of Demise of the said Grounds, Lands and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees or Committees, or in the Persons acting as such, or in the Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitation or other Incumbrance of and concerning the same Grounds, Lands and Premises, or any Part or Parts thereof then in being or capable of taking Effect to the contrary notwithstanding.

This Act not to vacate any Will, Settlement, &c.

How the Exchanges of this Act are to be made

And be it further Enacted, That nothing in this Act contained shall extend to revoke, make void, alter, annul, or any ways affect any Settlement, Deed or Will, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Out-rent, Fee Farm-rent, Mortgage, Incumbrance or other Demand out of, upon or affecting any of the Lands and Grounds so intended to be divided and inclosed, or any House, Barn, Building or ancient inclosed Lands and Grounds, which shall be exchanged in pursuance of this Act, or any Part or Parts thereof, but that the several Lands and Grounds so to be assigned and allotted upon such Division and Inclosure to the several Parties interested, or their Trustees respectively, and the Houses, Barns, Buildings and ancient inclosed Lands and Grounds, which shall be taken in Exchange in pursuance of this Act, shall, immediately after the making such Division and Allotments or Exchanges, be, remain and endure, and be held and enjoyed, and the several Proprietors to whom the same shall be allotted and given in Exchange as aforesaid, shall from thenceforth stand and be seized thereof to such and the same Uses, and subject and liable to such and the same Wills, Settlements, Limitations, Remainders, Trusts, Tenures, Rents, Quit-rents, Fee Farm-rents, Services, Incumbrances and Demands, as the several Lands, Grounds, Tenements and Hereditaments in lieu whereof such Allotments and Exchanges shall be made as aforesaid, now are, or should and would have been subject and liable to be charged with or affected by in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Commissioners to give Notice of their Meetings.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and they are hereby required to give or cause publick Notice to be given in the respective Parish Churches of *Lilley* and *Offley*, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Six Days before every such Meeting shall be held, Meetings by Adjournment only excepted, and

and the Charges and Expences of every Proprietor or Party interested in the said Inclosure, shall at every such Meeting be paid by every such Proprietor or Party.

33 **And be it further Enacted,** That if any One or more of the said Commissioners appointed by this Act, or who shall have been elected in the manner herein after-mentioned, shall die or refuse to act, the surviving Commissioner or Commissioners shall from time to time, by Writing under his or their Hand and Seal or Hands and Seals, within One Calendar Month next after such Death or Refusal shall happen to be known, appoint One other Commissioner not interested in the said intended Division and Inclosure, instead of every such Commissioner so dying or refusing to act, and every such Commissioner so to be appointed shall have the like Authority to act in the Execution of this Act as the Commissioner in whose Place he shall succeed was vested with.

Method of
choosing new
Commission-
ers.

34 **And be it further Enacted,** That the Charges and Expences incident to and attending the obtaining and passing this Act, and of the qualitying, surveying, measuring, dividing and allotting the Lands and Grounds hereby intended to be divided and inclosed, and of the preparing and inrolling the said Award or Instrument, and all the Charges and Expences of the said Commissioners, and other necessary Expences attending the same, shall be borne and paid by all the Owners and Proprietors of and Persons interested in the Lands and Grounds in the said Fields and other commonable Lands and Grounds so intended to be divided and inclosed (other than and except the said *John Morris* and the said *Thelwall Salusbury*, and such Proprietors who shall not have more than Six Acres of Land allotted to them respectively upon the said Division and Inclosure) in proportion to their respective Shares, Interests and Properties therein, at such Time and Times, and in such Proportion and Proportions, and to such Person and Persons as the said Commissioners, or any Two of them shall, either before or after their executing of the said Award or Instrument, by a Notice or Notices in Writing, under the Hands of the said Commissioners, or any Two of them, to be affixed on the Doors of the respective Churches of *Lilley* and *Offley* aforesaid, order and direct, which Notice is hereby directed to be affixed Fourteen Days at least before the Time of such Payment, and in case any of the Persons aforesaid shall refuse or neglect to pay his, her or their Share or Proportion, Shares or Proportions of such Charges and Expences within the Time or Times to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may, by Warrant under their Hands and Seals, directed to any Person

How the Ex-
pences of this
Act are to be
paid.

Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and Sale or Sales, or otherwise it shall and may be lawful to and for the said Commissioners, or any Two of them, or any Person to be authorized by them, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions of the said Costs and Charges so ordered and directed by the said Commissioners, or any Two of them, to be paid by such Person or Persons as aforesaid; and also all Costs, Charges and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises shall respectively be fully paid and satisfied.

Saving of
Rights to the
Lords of the
Manor.

Allowing an
Appeal to the
Quarter Ses-
sion.

And be it further Enacted, That if any Person or Persons shall think him, her or themselves aggrieved by any Thing done in pursuance of this Act, then, and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final, binding and conclusive upon all Parties) he, she or they may appeal to the General Quarter Sessions of the Peace, which shall be held for the County of *Hertford*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and the Justices in their said General Quarter Sessions are hereby re- quired to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

General
Savings

Provided always, That nothing in this Act contained shall extend or be construed to affect or invalidate any Right, Interest, Claim or Demand whatsoever of *Paule Feilde*, Esquire, his Heirs or Assigns, in respect of or to the Great Tythes of or in any Lands now or heretofore Part of, or comprized within the Farm called or known by the name of *Halbury Farm*, within the said Parish of *Offley*,

Offley, now in the Tenure or Occupation of *John Mead*, whether the same shall or shall not be subject to be inclosed by virtue of this Act, and notwithstanding any Exchanges which may have been heretofore made, of any of the Lands heretofore belonging to the said Farm, for or in lieu of other Lands now taken into and become Part of the said Farm, but that the said *Paul Feilde*, his Heirs and Assigns, shall and may from time to time, and at all Times hereafter, have, retain and enjoy all and every such Rights and Remedies to and for the Recovery and Enjoyment of his said Tythes, of and in all and every the Lands now or heretofore Part of the said Farm called *Halbury Farm*, as he, and those whose Estate he now has, have had and enjoyed, and of right ought to have and enjoy in and out of the said Lands; any Thing in this Act to the contrary in any wise notwithstanding.

And be it further Enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of the Lord or Lords of any Manor or Manors, in which Manor or Manors any of the Lands or Grounds hereby intended to be divided and inclosed, are situate, of in or to the Seigniories, Royalties, Rights and Services incident and belonging to any such Manor or Manors, but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in trust for him or them, as Lord or Lords of any such Manor or Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites, and Profits of Courts, and all other Royalties, Priviledges and Jurisdic-
 37 tions to any such Manor or Manors, or to the Lord or Lords thereof, belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manors, upon the Lands and Grounds hereby intended to be divided and inclosed) in as full ample and beneficial Manner to all Intents and Purposes, as he or they might have held and enjoyed the same in case this Act had not been made.

Saving of
Rights to the
Lords of the
Manor.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her or their Heirs, Successors, Executors and Administrators, (other than and except those meant and intended to be barred and destroyed by this Act) all such Estate, Right, Title and Interest, as they, every or any of them had and enjoyed, of, in, to or in respect of the said Fields, and other commonable Lands and Grounds hereby intended to be divided and inclosed before the passing of this Act, or could or might have had or enjoyed in case the same had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her or their Heirs, Executors,

General
Saving.

Executors, Administrators or Successors shall have Power to disturb any of the Allotments to be made in pursuance of this Act, but shall accept the respective Allotments which shall be made in lieu of the Lands, Common-rights, Tythes, or other Interest, which he, she or they would have been intitled to in case this Act had not been made.

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For Dividing and Inclosing the Common Fields, and other Commonable Lands and Grounds, in the Parishes of Lilley and Offley, in the County of Hertford, except a certain Sheep Down, commonly called Lilley Heo, in the said Parish of Lilley; and certain Lands, Part of the said common Fields, lying South-East of *West-Lane End*, the *Mill-House* and *Cold's-Croft*, and North-East of the Town of Offley.

[1768.]

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